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Proposed Attorney for the Debtor in Possession

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

IN RE:
UNIVERSAL GROUP HOLDINGS, LLC Case no. 16-44414
Debtor in Possession

SOUTHSIDE BANK, a Texas State Bank
Plaintiff

v.

UNIVERSAL GROUP HOLDINGS, LLC
VMP NUTRITION, LLC
CHESTER A. BURKS
RICHARD W. WADDELL
RODNEY BATCHELOR
EFISHUNT, LLC
CESAR A. RODRIGUEZ
KRINES INVESTMENTS, LLC
ALAN JONES
AIRHEART INVESTMENTS, LLC
DAVID W. HENZLER and
STRONG TOWER, LLC
Defendants

AND
RICHARD W. WADDELL
RODNEY BATCHELOR
EFISHUNT, LLC
CESAR A. RODRIGUEZ
KRINES INVESTMENTS, LLC
ALAN JONES
AIRHEART INVESTMENTS, LLC
DAVID W. HENZLER and
STRONG TOWER, LLC
Counter-Plaintiffs

v.

SOUTHSIDE BANK, a Texas State Bank
Counter-Defendant
and

EXETER INTERNATIONAL, LLC
Third Party Defendant

NOTICE OF REMOVAL

Universal Group Holdings, LLC (the “Debtor”), debtor in possession in In re Universal Group Holdings, LLC, case no. 16-44414 in the United States Bankruptcy Court for the Northern District of Texas, Fort Worth Division (the “Bankruptcy Case”), respectfully files this Notice of Removal (the “Notice”) of Cause No. 141-286960-16, styled *Southside Bank v. Universal Group Holdings, LLC, et al.* pending in the 141st Judicial District Court for Tarrant County, Texas (the “State Court Suit”).

1. The Debtor is a defendant in the lawsuit filed in the State Court Suit.
2. The Debtor removes the State Court Suit to this Court pursuant to 28 U.S.C. §§ 157, 1334, and 1452, and Rule 9027 of the Federal Rules of Bankruptcy Procedure.
3. On November 17, 2016, the Debtor filed its voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Northern District of Texas, Fort Worth Division.
4. This Court has jurisdiction over the removed State Court Suit pursuant to 28 U.S.C. § 1334.
5. The removed State Court Suit is a civil action other than a proceeding before the Tax Court or a civil action brought by a governmental unit to enforce the government unit’s police or regulatory power. Accordingly, removal is permissible pursuant to 28 U.S.C. § 1452.

6. Consideration of this action is a core proceeding because, among other things, it involves administration of the estate, a claim against the estate, a counterclaim against a person allegedly holding a claim against the estate, and will affect confirmation of a plan of reorganization.

7. Venue is proper before this Court under 28 U.S.C. § 1409.

8. To the extent that any claims against any party are not removable under bankruptcy jurisdiction, this Court has supplemental jurisdiction over such claims pursuant to 28 U.S.C. §§ 1367 and 1441.

9. This Notice of Removal is timely filed pursuant to Fed. R. Bankr. P. 9027. Rule 9027(a)(2) provides that if a claim or cause of action in a civil action is pending when a case under the Bankruptcy Code is commenced, a notice of removal may be filed within 90 days after the order for relief in the case.

10. The Debtor filed a Voluntary Petition under Chapter 11 of the Bankruptcy Code on November 17, 2016, and the order for relief was entered contemporaneously with the filing. 11 U.S.C. § 301(b).

11. This Notice of Removal is filed within 90 days of the order of relief in this case.

12. Written notice of the filing of this Notice of Removal is being served via email upon counsel for all of the parties herein and on the Clerk of the Court for the 141st Judicial District Court of Tarrant County, Texas as follows:

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Chester A. Burks via email

13. Removal jurisdiction and venue exists in the United States Bankruptcy Court for the Northern District of Texas, Dallas Division, because the state court where the action is pending is within the referenced district and division. 28 U.S.C. § 1334, and 1452; Fed. R. Bankr. P. 9027.

Respectfully submitted,

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